The Opinion

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William Mitchell Opinion - Volume 16, No. 7, May 1974

William Mitchell College of Law

William Mitchell
OPINION

Volume 16 | May, 1974 | No. 7

SBA Board Elects 1974-'75 Officers

by Don Horton

This year when the Student Bar Association representatives "address the chair" they will for the first time in the history of the College be addressing "Madame President". **Cara Lee Neville** is the new SBA President after winning over two other candidates for the office, Charlie Bartz, and George Harrelson. Cara Lee, who is currently working in the Hennepin County Attorney's Office, said at the May meeting of the SBA that she hoped she could lead the students out of the general apathy which seems to be perennial at the college.

NEVILLE

CADE

Other officers elected were **Joe Cade**, Vice President, who won over Jane Schoenike. Joe indicated that he hoped to be able to improve the administrative procedures used by the SBA in order to avoid the confusion that has often plagued the SBA meetings in the past year. He also stated that he hoped to work to convey to the student body just how important the SBA is and all that it does for the students that they don't hear about. **George Harrelson** defeated Charlie Bartz for Secretary. George indicated that he hoped to be able to improve the administrative procedures used by the SBA. **Jane Schoenike** was elected over Charlie Bartz and Mark Pfister for the office of Treasurer. Jane stated that she hoped she could continue to do as good a job as Dale Busacker had.

Also at that same May meeting, the newly elected members of the SBA Board of Governors were seated. One thing is clear: the SBA will see a lot of new faces in the 1974-75 school year. The yearly elections which were held on Thursday evening, May 2nd, resulted only in five out of twelve possible incumbents being returned to office.

First year had two incumbents, Mark Pfister and Jane Schoenike returned to serve Sections 3 and 4, respectively. A Section 1 first year election has yet to be held, and Section 2 was won by insurgent Douglas Laurence.

Second year returned only one incumbent, Joe Cade, to his seat for Section 3. Section 1 is now represented by insurggent, Charlie Bartz, Section 2 by insurgent, Paul Schweiger, and Section 4 by insurgent, James Yates.

Third year returned only two incumbents, Brian Brown and Cara Lee Neville, to represent the class at large along with insurgent, George Harrelson. A fourth representative will be elected by the seniors at a special election in the fall.

The newly elected representatives were seated at the final SBA meeting of the school year which was held on Saturday morning, May 4, at the College.

HARRELSON

SCHOENIKE

Student Body Ratifies Amended Constitution Twice

April 29 the students of the College voted, for the second time, to adopt the new constitution for the SBA. The constitution, which was published in the March OPINION, was the culmination of a full years activity on the part of the SBA.

The old constitution was archaic. A troublesome example was a provision which made creation of a new constitutional a practical impossibility. The provision provided that to create a new constitution, an all-school meeting had to be called. Although this provision was deleted from the new constitution, it still left the problem of how to run this election.

The SBA Board, on its first consideration of the problem, decided that because of the practical impossibility of having an all-school meeting, in-class elections would be best. Notice and explanations were carried in the OPINION. The result was an election which, although it resulted in an overwhelming turnout and approval of the constitution,

See 'Constitution', page fourteen

Larry Meuwissen Given SBA Award of Excellence

by Don Horton

Meuwissen

"I would like to make an announcement about the Law Student Division." So begins another Larry Meuwissen presentation, which, although it will not particularly win the hearts of his fellow seniors at this late date, is the sort of thing which has enabled Larry to develop an active Law Student Division (LSD) membership at the college. It is also the sort of thing that has helped Larry to lead William Mitchell to a position of leadership in the ABA/LSD. Larry has been able to do so not by talking just in class, but also to Bar Associations in the other states of the Eighth Circuit, and to meetings at local, state and national levels. The result of his talking has been an increase in the profession's, and indeed, the Nation's awareness, of William Mitchell College of Law.

Perhaps the greatest recognition the College has received as a direct result of Larry efforts were the awards for the outstanding Student Bar Association and the best Student Bar Association project, which were presented to the College by the American Bar Association at its 1973 meeting last summer in Washington, D.C. As a result of the many hours spent by him in preparing the necessary written reports, William Mitchell was chosen to be the recipient of these National Awards.

In addition, Larry has increased the goodwill of the College by opening up the facilities of the law school to various ABA/LSD activities. This has brought in students and lawyers from all over the 8th Circuit to attend roundtables, clinics and seminars.

During his last year at William Mitchell Larry was instrumental, along with Dale Wolf, in drafting a new constitution for the student body. This perhaps unappreciated endeavor helped produce the basis for a better student governing body more in tune with the changing character of WMCL.

Larry's efforts were truly selfless. He has worked and accomplished changes which will benefit both the college and its students for some time to come.

Leaving a place better off than you found it is an old expression one might expect to find at the bottom of the page in a Reader's Digest. But it accurately describes Larry's philosophy. All students have benefitted because he has believed the way he has.

OPINION STAFF GETS SCHOOL OFFICE SPACE

After fourteen years without an office within the school from which to operate, the OPINION staff now has a place it can call home.

Steve Bergerson, Editor - in - Chief, has been informing the staff that Dean Heidenreich has agreed to a request to have one of the recently partitioned new offices in the school's lower level assigned to the OPINION.

The OPINION's office will be the one which is adjacent to the Law Review office, just beside the student lounge. Bergerson said he had indicated to the Dean that an office within the school had become necessary because of the increase in frequency of publication and of student interest in the OPINION. "I am convinced that the new office space will allow the paper to operate much more efficiently than it has been able to without a center of operations. Writers and editors will be able to keep in touch and stay on top of things much more easily and effectively now that they have a place to gather." Previously, that could only be done on the telephone, or if they happened to meet in a classroom or hallway.

"More importantly," he said, "the paper will now be even more accessable to the student body. I recognize that despite our best efforts, students who could have made contributions or provided the OPINION with feedback and other invaluable student input were discouraged from doing it because of the unavailability of a convenient way of doing so."

Bergerson hopes that students will feel free to walk into the OPINION's office and express their views on any topic of interest to the school, or react to anything which the OPINION has printed. "I can think of no single development which will contribute more to the effectiveness of the paper than increased exposure to what students are thinking. This new office will inevitably accomplish that," he said.

The staff will move into the office sometime after finals.

Trustees Agree To Employ Fund Raisers

by Al Shapiro

The board of trustees and members of the corporation of William Mitchell College of Law May 6 voted to hire professional fund raisers to determine alternatives to the school's space problem and the desireability and feasibility of a capital fund drive.

The group heard proposals from C. W. Shaver Inc., a New York-based firm, and Ellerbee Inc., a local architectural concern, and will meet with a Chicago company.

The board plans to select one of the firms within the next several weeks, and it is estimated it will be another 60 to 120 days before a proposal will be ready for the board's consideration.

Judge Ronald Hachey suggested that each trustee have a student liaison to insure greater student involvement in board activities, and that students be allowed to attend board meetings. The board acted on neither of the judge's suggestions, but he said he felt response to them was favorable.

Hachey was elected board president and treasurer at the meeting, Cyrus Ratchie, vice president, and Judge Theodore Knudson, secretary.

The corporation voted to install four new trustees: Judge Douglas Amdahl, Judge Donald Barbeau, Charlton Dietz, all Mitchell graduates, and former Judge Leonard Keyes.

Keep On Truckin'

"You've come a long way baby!"

That mildly crass cliche expresses my sentiments exactly toward my (almost) alma mater. I have no modesty about the dramatic changes that my class and classes of the next few years have made, and will be making, at Mitchell. It has been an incredibly satisfying experience to be a part of this evolution.

The question now is what role, as alumnus, will I assume in relation to William Mitchell in the future? Obviously I can walk out the door, diploma in hand, and never darken the Dean's doorway again. This alternative though somewhat tempting is intellectually unacceptable. Even those of you who have never contributed a second of your time to extracurricular activities must now be realizing (perhaps to your chagrin) that your law school's image, reputation, and standing in the legal community is a valuable asset to your career. Anyone who can't see that is either a fool or rich.

The point I am pressing is that an alumnus should be actively engaged in school events long after his graduation. The events of future years at Mitchell will reflect on us all, and I for one do not want to see the downhill stretch after working so hard on the climb.

My fears are probably illusory and the class of '74 will most likely be more active as alumni than any previous class. But, just in case you think that you are leaving Mitchell, forget it! Mitchell will be with you for the rest of your life, so don't say goodbye.

—Kay Silverman

Doyle Reports On 'Frisco Meeting

During late January and early February of this year, the Student Bar Association and the dean sponsored my attendance in San Francisco at a conference giving consideration to "The Legal Rights of the Mentally Handicapped." In addition, I spent a day observing aspects of Stanford University's Criminal Clinical legal education program. The following comments are my reflections on both experiences.

Steve Doyle

The Stanford program consists of one faculty member and approximately a dozen students. They associate themselves with local public defender programs, as do Mitchell students.

Most of my day was spent viewing video-tape replays of various students participating in hypothetical fact situation confrontations. Stanford's program utilizes one set of facts throughout the entire program. The interviewing of a hostile witness, viewed on a split screen, was perhaps the most educational and challenging exercise. Other tapes dealt with the (in trial) cross-examination of the same hostile witness and voir dire of actual members of the community. Additionally, former actual jury members were interviewed regarding their experiences.

The conference on legal rights of the mentally retarded was very constructive, and for the most part, well done. Various articulated rights were focused upon and considered extensively. A panel of young lawyers, most of whom had been counsel in many of the leading cases, spoke, and narrated seminar sessions dealing with the following rights:

1) **The Right to Counsel.** The question was raised regarding the sixth amendment's application to the representation of mentally handicapped. Furthermore, it was asked "does this right apply to all critical stages?"

2) **The Right to Treatment.** Is working as a janitor in the hospital ward treatment or not? Can the courts deal with the concept of "treatment" or should it be left to the discretion of professionals?

3) **Right to Compensation vs Maintaining Labor Forces.** Many mental institutions use large numbers of patients as laborers in all menial hospital work. Cleaning, laundering, kitchen work, waiting tables and preparing food, maintainance work, and patient care are all performed to greater or lesser part by working residents. This systematic exploitation of residents, the very people mental institutions are intended to "treat," is known as "institutional peonage." Shouldn't "treatment" and payment be given patients?

4) **The Right to Education.** Isn't this a rather broad right, involving many educational and civil rights issues pertaining to a diverse group of handicapped children? Due Process and Equal Protection provisions of the constitution are involved in this right. Doesn't government have the responsibility to provide education for all?

These are just a few of the examples given consideration by the conference. Others such as, 1) Visitation and telephone rights; 2) privacy and dignity; 3) unrestricted mail, and 4) jury trial rights are other areas which are developing.

Hopefully, Mitchell will develop a clinical program which involves itself with the representations of the vast numbers of individuals imprisoned in our hospitals and institutions.

The Dean's Column

Opinion Among The Best

Some weeks ago a friend approached me at a social event and commented about an article which had appeared in one of this year's early issues of the William Mitchell Opinion. He took exception to the content of the article and asked me how I had allowed such a thing to be printed in the school newspaper. I told him that, after all, the Opinion is a student project and whatever is good or bad about it must be attributed to the students who work on the staff.

Dean Heidenreich

He then inquired whether I would take the same attitude if the newspaper were calling for the Dean's resignation. He was, if not incredulous, at least mildly shocked when I explained to him that neither I nor any faculty member reviews or approves any material that is to be published, and that when an issue of the Opinion comes out its contents are, with the exception of my own column, as much a surprise to me as to anyone.

The fact that letters to the editor from outside readers are becoming relatively common and that people such as the friend mentioned above frequently comment to me about something that they have read in the Opinion are fine testimonials to the effectiveness of the paper.

Each reader has his own ideas about what is appropriate news and editorial content for the paper. No doubt some would prefer the material to be selected or presented in a different way; however I think that everyone would agree that Steve Bergerson and his staff have been sincere, honest and diligent in their approach. They have assumed in a mature fashion the responsibility for producing a paper designed to speak for a large and diverse student body, and their efforts have produced a consistently high quality product.

The recognition which the **Student Lawyer** magazine of the American Bar Association's Law Student Division has given to the paper emphasizes what everyone who reads any number of law school papers knows: the William Mitchell Opinion has in recent years been one of the very finest law school newspapers in the country.

It is typical of Steve Bergerson's dedication that he has spent substantial time discussing the future of the Opinion with possible successor editors. We are confident that the editorial and writing staff which carries on next year will demonstrate the same qualities of dedication and maturity that have been the hallmark of the William Mitchell Opinion.

YOUR OPINION PLEASE

To the Editor:

I read with interest your article on women appointed to judicial posts in the April issue of the Opinion. I would like to call your attention to error in the article. Doris Huspeni replaced Delilah Pierce as a family court referee; she is not a municipal court judge. That in no way reduces the status or the responsibility of her appointment, and I call it to your attention only to relieve the minds of mystified readers who may one day diligently search the courthouse in vain for two women municipal court judges.

I would also like to call your attention to the forgotten females — the three other women in the Minnesota court system whom the article fails to mention, Gail Murray, Lucille Stahl and Ruth Brown. When the Saint Louis County court system was reorganized last year, Governor Wendell Anderson appointed Gail Murray to the County Court bench. Women could be found in judicial positions long before that, however. Judge Lucille Stahl has been the judge in Cottonwood County for twenty years. Judge Ruth Brown has been a judge in LeSueur County for twenty-seven years. These women served ably as probate-municipal judges before the County Court system was established and have continued in office as County Court judges since 1972.

Judith L. Rehak
Deputy State Court
Administrator

Huspeni

Pierce

Opinion Editor, LSD Rep To Be Elected This Week

Jeanne Schleh
third year student
candidate,
Editor-in-Chief

Editors Note: The following candidates have been nominated for the positions of William Mitchell Opinion Editor-in-Chief or Law Student Division Representative by the appropriate nominating committees in accordance with the recently amended SBA Constitution and By-laws.

Mitchell students may vote in the SBA Used Book store during the hours of 5:30-6:30 p.m. Monday through Friday of this week (May 13-17). Official ballots are available there. Voting will be confidential.)

Bing Weldon
first year student
candidate,
Editor-in-Chief

I am proud to have been associated with the **Opinion** during the last two years. Looking back over the issues that have appeared in that time, it is obvious the **Opinion** has reflected the changing nature of the school at a time when important changes have taken place. It has served not only as a forum for students, the Dean and the faculty but also as a medium for projecting the image of the school to alumni and others in the legal community. In that sense, we all stand to benefit from a high-quality student newspaper, both as undergraduates and as graduates.

The William Mitchell Bulletin states the **Opinion** is a student publication that comes out twice yearly. Last year there were five issues; this year there are seven. I have worked on each of these issues from the reporting stage to the editing, proofing and layout stages. I know how much work is involved in producing a publication of the calibre the **Opinion** has shown in the last two years.

In addition to my experience with the **Opinion,** my qualifications for Editor-in-Chief include my present job as editor of **Interchange,** a monthly digest for state criminal justice personnel, and four years as Metro-Poll editor for **The Minneapolis Star.**

If I am elected Editor-in-Chief my objectives will be:

(1) to maintain the present high quality of the Opinion, and

(2) to encourage contributions to the **Opinion** relevant to the school and the law from all interested groups and individuals within the school.

There is, of course, always room for improvement, and the **Opinion** next year will automatically reflect the different talents, styles and, to some extent, interests, of the new editor. But publication of a student newspaper at a night law school cannot possibly be a one-person show, and I would draw on talent from within the faculty and student body so that the **Opinion** continues to be a valuable publication for all of us.

William Mitchell students have an opportunity never extended to general newspaper readers — electing the editor! In making their choice, students should look closely at the qualifications of any editor-candidate.

Legal expertise should not be a prerequisite for editing the **Opinion.** Most business and professional groups hire professional journalists to edit their trade publications. Apparently, they believe style is as important as content — and they are right.

This paper contains many excellent ideas, but they are not properly showcased. The stories are often too long. Important news events are sometimes buried on inside pages. The paper's basic layout is unexciting.

These are elements of style, not substance. But without style, the Opinion lacks readability. Readability is part of communicating — and communicating ideas is the only reason we print newspapers.

My experience as a communicator is fairly extensive. I edited several student publications as an undergrad before receiving a journalism degree in 1972. Since then, I've worked as a newspaper reporter and as associate editor of a monthly trade magazine. More recently, I was a researcher and information officer at the Minnesota Senate.

But experience alone should not be decisive — ideas are important, too. I have several for the **Opinion.**

Like opening the editorial page to contributors other than the editor, SBA president, the dean. We need more students, faculty members and alumni writing throughout the **Opinion** to make it true to its name.

Something else I'd like to try: mailing the **Opinion** to daily newspapers across the state. Editors love to steal from each other, and having **Opinion** articles reprinted outstate enhances our standing as Minnesota's other leading law school.

Although the **Opinion** editor is also an SBA officer, he must maintain his objectivity. I would criticize any person or group not acting in the student's best interest. This paper is mostly financed by students through fees and tuition. It belongs to them — not to the SBA, the dean — or the editor.

Kathy Gearin
third year student
candidate, LSD rep

I am presently a third year student and, for the first time, feel secure enough scholastically and jobwise to run for student office.

Before coming to Mitchell, I taught high school social studies. For the past year, I have worked for the District Court in Ramsey County. I have gained a practical view of the legal system through this job and through participating in the Misdemeanor Clinical Program.

The Law Student Division of the ABA is an organization which I, like many students, knew little about until I attended the recent Des Moines conference, reported elsewhere in this paper. As LSD representative, I would be the liaison person between the LSD-ABA and the Mitchell student body. This contact is important for the following reasons:

1. Mitchell's successful involvement in LSD activities has made students from other schools aware of our school. At the Des Moines conference I met many students from schools that have problems similar to Mitchell. But no schools have made more successful attempts at solving these problems than Mitchell. In informal discussions with students of other schools, they asked many questions about our clinical and fac-

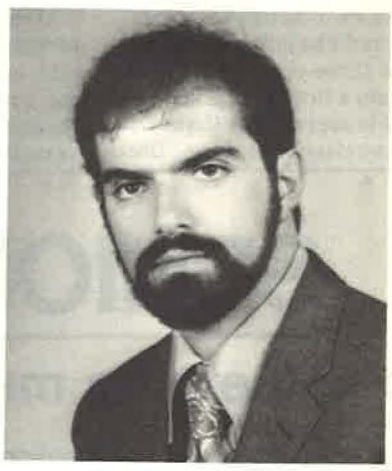
(See 'Gearin', page fourteen)

Mark Pfister
first year student
candidate, LSD rep

MARK PFISTER, first year student. Freshman SBA section representative, re-elected for next year. Helped in preparation for the Fall LSD Roundtable Conference at WMCL. Attended the Eighth Circuit LSD Conference in March. Prepared the WMCL entry for the Outstanding SBA Award competition at the Eighth Circuit Conference and is preparing a similar, but more comprehensive, entry for the national competition.

If elected as your LSD Representative, I will inform you of all available benefits the Division offers to its members and the schools. WMCL has not taken advantage of the Law Student Services Fund to date. Matching funds (up to $1000) can be obtained to implement or expand projects and symposiums. I will see to it that Mitchell takes advantage of these funds during the coming year.

I will make myself available to you and assist members in obtaining regular membership benefits. Mitchell has approximately 150 students who are members of LSD. I will take affirmative steps to expand membership, especially with respect to next year's incoming students. If elected, I will strive to maintain William Mitchell's stature as one of the strongest schools in the Division.



Al Tarara
third year student
candidate, LSD rep

I am seeking the position of L.S.D. representative, for the following reasons:

1. The LSD offers to all students, members and non-members alike, opportunities of which the vast majority are unaware. It would be one of my objectives to get as much information as possible, concerning these benefits and in turn distribute it to the student body so that they may take advantage of them.

2. Presently, the group is composed of a large number of passive individuals. This is evidenced by the fact that at the last meeting, only 12 or so of the 150 members were in attendance. It would be my objective to turn this group of individuals into an organized body and an effective LSD.

3. Because of the recent constitutional reform the LSD representative will be a voting member of the SBA Board of Governors. Since I have never been a member of the Board, I can point to no record of achievement. I can only promise that if I am elected your representative, I will attend the meetings faithfully and represent your interests to the best of my capabilities.

I now ask for your vote so that I might be able to achieve my objectives and serve as your representative.

Minnesota Bar Among Leaders In Requiring Continuing Legal Education

The legal profession, in a move to improve professional competence, is developing continuing education programs that could lead to recertification of lawyers, the American Bar Association said today.

At least seven states, including Minnesota, are developing or have already approved such programs, as ABA survey showed.

ABA President' Chesterfield Smith has called on all states to institute recertification programs as a means of requiring lawyers to periodically prove their legal competency. He warned that failure to do so could result in the legal profession losing the right to govern itself.

Iowa is the first state to officially order development and implementation of a continuing education program with a view toward recertification.

The State Supreme Court has directed the Iowa State Bar Association to research and study implementation of a yearly legal education program.

Although no specific time schedule was provided, the bar's Executive Director Edward H. Jones said that the program would be started within 12 months.

The program will be administered and monitored by a Continuing Legal Education Commission of five members from the Iowa bar appointed by the court.

Here's a rundown on other states:

California — The board of governors of the State Bar of California has approved the concept of "continuing proof of competence." The suggested method of implementation is a program of voluntary continuing legal education for lawyers. Response to the voluntary program will help determine whether a mandatory program will be instituted.

Minnesota — The board of governors of the Minnesota State Bar Association has approved a report by an 11-man committee, of which Mitchell's Dean Heidenreich was a member, which recommends that 45 hours of credit be obtained during an approved three-year program in order to retain a license to practice. If the report is approved at the bar's annual convention this June, the State Supreme Court will be requested to order that the program be instituted. It has no official existence unless the court adopts it.

The committee rejected any ideas of examinations, and will depend on sworn affidavits by lawyers that they have completed the required number of hours in approved courses. John P. Byron, chairman of the committee said "Of course, we recognize that registering in a course doesn't necessarily produce knowledge and knowledge doesn't necessarily produce competence."

Kansas — The Kansas Bar Association's Continuing Legal Education Committee has recommended mandatory continuing legal education, in order for a lawyer to retain his license. The program, not yet developed, suggests 120 hours every three years.

Utah — The Utah State Bar has established a committee to consider a program of compulsory recertification through continuing legal education.

Washington — The board of governors of the Washington State Bar Association has set a three-year target date for implementation of a compulsory continuing legal education program.

Idaho — The Idaho State Bar's Board of Commissioners has instructed the bar's Continuing Legal Education Committee to undertake a study of period recertification of all practicing attorneys in Idaho.

Thirty-one additional states and the District of Columbia also have continuing legal education programs, but these are voluntary and are not yet concerned with recertification.

Continuing legal education programs are also conducted by the ABA, American Law Institute and the Practicing Law Institute, affording most lawyers an opportunity to keep up to date on many areas of concern to them, the ABA said.

A large number of lawyers take advantage of these programs, the ABA added, but the new proposals are toward making the courses mandatory and eventually including recertification.

Quack's Law Dictionary Illustrated

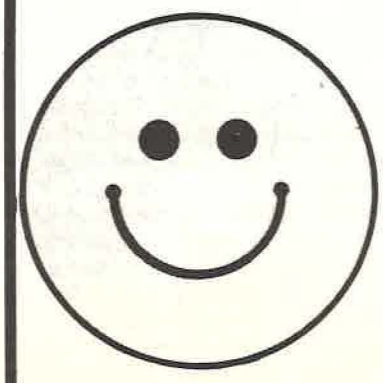
SHIFTING THE BURDEN OF PROOF

☆☆ Bar Exam Results Released ☆☆

There were 114 applicants who sat for this examination, of whom 66 were first timers and 48 repeaters. Of the total, 92 (or 81%) passed and 22 (or 19%) failed. The University and William Mitchell had the same number of fails, but because the University had more than twice the number of repeaters sitting for the exam, their percentage of failures was about half that of Mitchells.

SCORE BY SCHOOLS

	First Timers			Repeaters			Percentage	
Schools	Sat	Pass	Fail	Sat	Pass	Fail	% Pass	% Fail
U. OF MINNESOTA	10	10	0	14	13	1	95.8%	4.2%
WM. MITCHELL	5	5	0	7	6	1	91.7%	8.3%
TOTALS	15	15	0	21	17	2	93.75%	6.3%
OUT-OF-STATE SCHOOLS								
HARVARD	2	2	0	0	0	0		
BOSTON U.	2	2	0	0	0	0		
WISCONSIN	6	6	0	0	0	0		
IOWA	0	0	0	2	1	1		
ILLINOIS	1	0	1	1	1	0		
NEBRASKA	0	0	0	2	1	1		
INDIANA	1	1	0	0	0	0		
NORTH DAKOTA	0	0	0	5	4	1		
CHICAGO	0	0	0	1	1	0		
MARQUETTE	2	2	0	0	0	0		
STANFORD	2	1	1	0	0	0		
NOTRE DAME	0	0	0	1	1	0		
CREIGHTON	2	1	1	2	1	1		
NORTHWESTERN	0	0	0	1	1	0		
DRAKE	1	1	0	2	2	0		
SOUTH DAKOTA	1	1	0	0	0	0		



GOOD LUCK ON EXAMS
HAVE A HAPPY SUMMER

GRADUATION PLANS FIRMED

by Jim Lundin

William Mitchell will graduate 132 students at the end of the school year. This will mean many different things to the people who will participate in it. To the faculty, it is the fulfillment of their function—to educate people in the legal profession. But, four years of legal education involves much more than the output of a product. Ideas were analyzed, responsibilities were formulated, and friendships were made. It is with justifiable pride that the faculty and administration present to the Bar and the State the 1974 graduates.

To the graduates, this is not the best time for contemplative judgments about WMCL. It is not uncommon to hear such mutterings as, "I've got to finish my moot court brief," or "I think I've got a job lined up, but I've got one more interview." As yet, it is difficult for many to realize what they've gotten out of law school.

There are certain experiences at WMCL that all the graduates will be glad to forego: No more awful coffee will have to be drunk in a 5 minute break between classes. Trying to find a "legal" place to park will become much less difficult after graduation. Stewart vendo-dinner meals will be a thing of the past.

Other experiences will be sorely missed: 'Tried and true' friendships that were made during breaks between classes will end or at least change. The study group will break up. Generally, what the graduate will probably miss the most are the people that make up a law school. Ideas can no longer be as freely exchanged, nor friends as freely met. Their law school careers are at an end.

The real heroes of graduation are not the students nor the teachers. They are the people back home, most often a wife or husband. The sacrifices of money, and most particularly time, will cease, or substantially improve. A graduate will be able to spend Sundays with the family rather than with a brief or a book. The joint effort of getting through law school is over. Better days are ahead.

Graduation will take place at 2:00 p.m. on June 9, at the St. Thomas Stadium. (In case of rain, it will be in the St. Thomas Armory.) Since WMCL was able to retain such a large facility, there will be no limits on attendance for students' family and friends.

Announcements will be available in the school office on May 17. These announcements and the Certificates of Appreciation are covered by the graduation fee, so no further expenses will be incurred. The graduates can have as many announcements as they need.

The key-note speaker at graduation will be the Honorable Erby Jenkins, a former Supreme Court justice of the State of Tennessee, and a member of the ABA. Jenkins presently practices in Knoxville, Tennessee.

On Friday, June 7, the Law Wives have planned their annual graduation party on board the Jonathan Paddleford riverboat. The excursion will include dinner and a band.

The day before graduation, Saturday, June 8, the Seniors Awards presentation will take place. The site of the presentation will not be WMCL, since there are no rooms of adequate size. Instead, the Senior Party will be held at the Radisson Mart in downtown Minneapolis. There will be a cocktail party beginning at 6:30 p.m. Honor graduates will be announced and certificates will be awarded to the spouses and/or parents of the graduates at 8:00 p.m.

WILLIAM MITCHELL OPINION

Editor-in-Chief ..... Stephen R. Bergerson
Editor ..... Jeanne Schleh
Associate Editor ..... Greg Gaut
Associate Editor ..... Edward Lief
Layout Editor ..... Mindy Elledge
Photography Editor ..... Dan O'Leary
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Staff: Mike Fahey, Frank Gerval, Rick Glanz, Duane Galles, Don Horton, Jim Lundin, Al Shapiro.

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STATEMENT OF POLICY

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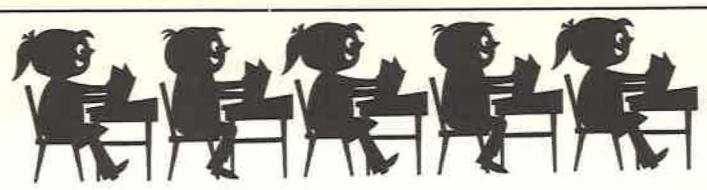


Children And The Law

Local Program Getting National Visibility

by Frank Gerval

Over a decade ago, a minister in West St. Paul decided to do something about teaching children to respect the laws. It was his belief that respect could be better nurtured through an understanding of the laws, so he invited an attorney to speak to his youth groups.

Ironically, the name of this minister has been forgotten, but his original idea has spread throughout the state and is beginning to spread throughout the nation.

The name of the program is **Children and the Law** and it involves over 14,000 Minnesota children of grade school age, in 172 schools. Over 450 teachers have been specially trained in order to conduct the program as part of the regular curriculum.

The program focuses on children at the fifth-grade level in both public and private schools. Contrary to many traditional methods of deterrence, the **Children and the Law** program teaches more than just punishment.

The program labels itself as a program of prevention, but it sets out to accomplish its goals by spreading understanding instead of fear of the law.

A quote from a publication put out by the program cogently describes its philosophy: "If a child is going to be held responsible for unlawful behavior, then society has the responsibility to insure that the child is taught the reasons for obeying the laws, the value of obeying, the consequences of disobeying and the way to change laws. Since many attitudes of children toward the law are formulated before they reach high school, they should begin developing positive attitudes at an early age."

In 1965, the program began in the St. Paul schools and was supported by the Ramsey County Bar Association, the St. Paul Police Department and the St. Paul Jaycees. The program was well received from the beginning, and in 1969 the Minnesota State Bar Association set forth funds for the introduction of the program into a limited number of schools outside of Ramsey County.

Originally, only three communities outside of Ramsey County were involved, but in a few years the number expanded to eleven and today the entire state is included.

One organization that has been responsible for spreading the word about **Children and the Law** is the Ramsey County Law Wives. Mrs. Robert A. Ebert, a director of that organization's Youth Education in Law project, and the president elect of National Lawyers Wives, said getting the program going is basically a selling job.

"Once people find out about the program and funding is arranged, it seems to grow quite rapidly," said Mrs. Ebert. "As director of a local organization promoting the program I have sent information throughout the United States in response to requests concerning **Children and the Law.**

"In the beginning an advertising agency was used to break the program down so the average citizen could become easily acquainted with it," said Mrs. Ebert. "But the program has to be sold to a large number of people before it becomes effective.

"In any community the program must be approved by the local bar association," said Mrs. Ebert. "It is the lawyers who help train the teachers who ultimately reach the students."

The teachers receive full pay during their training programs but the lawyers receive only nominal compensation.

"From the bar association, one must go to the school board in order to get the necessary support and funding, and from there it has to be accepted and fit into the curriculums of the individual schools," said Mrs. Ebert.

Mrs. Ebert said she is excited by the success of **Children and the Law.** Programs using the Minnesota experience as a template have begun in several other states under a variety of names, but the approach and purpose is modeled after the St. Paul idea.

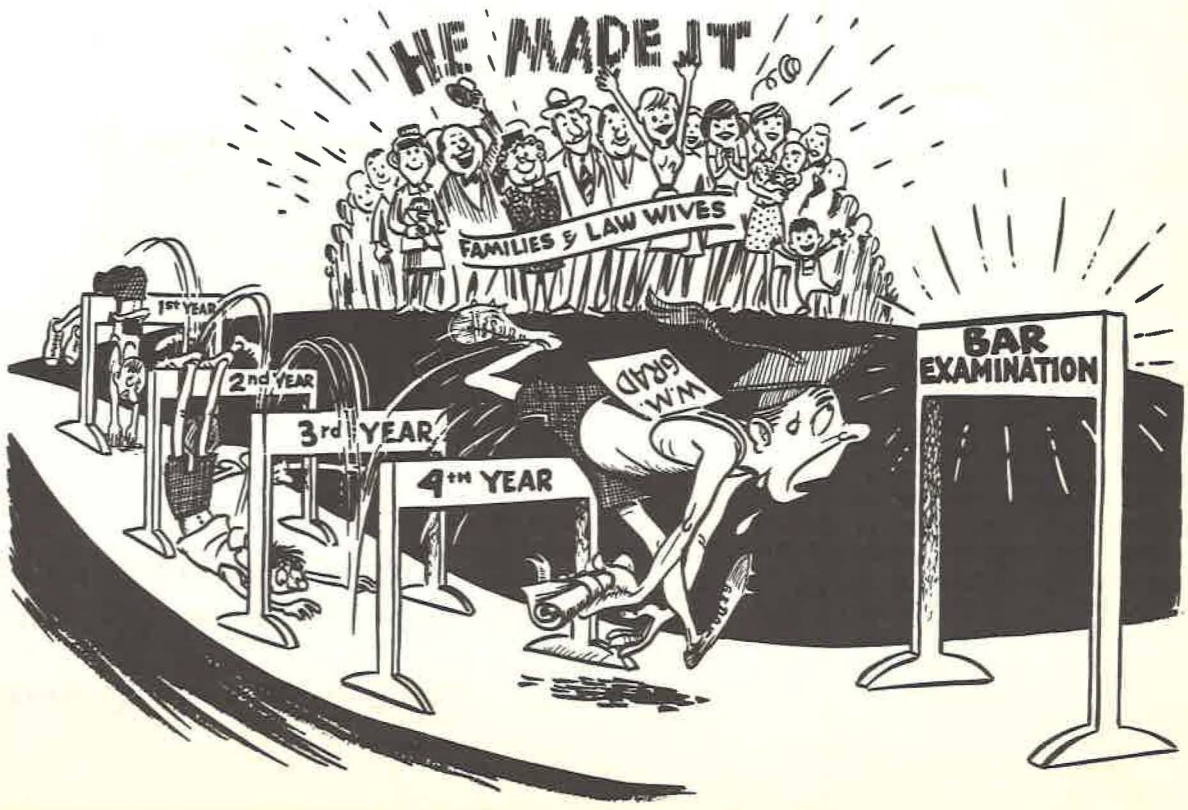
The program makes available to schools and states that wish to participate a variety of materials. Instruction booklets, workbooks, literature and films have been prepared for use by schools in and out of Minnesota.

The materials have been carefully prepared to appeal to the grade school set. For example, the title of one of the films is "Here Comes De Judge." The point behind the film is that after laws are made they must also be interpreted in order to protect the rights of all citizens.

Another important concept promulgated by the program is that laws can and sometimes should be changed. Aside from just teaching children to obey laws, **Children and the Law** informs youngsters how to work with the laws.

Children and the Law seeks to arrest a tendency toward juvenile delinquency before it develops rather than wait and then arrest the juvenile.

A Big Hurdle Ahead



Mitchell Students Attend LSD Conference In Des Moines

Seminars, business meetings, speakers and many informal exchanges with students from other law schools. That's what occupied the time of students at Circuit American Bar Association/Law Student Division Conference. Mitchell students, **Kathy Gearin, Mark Pfister** and **Jim White** attended the conference held March 28-30th in DesMoines, Iowa.

The Conference was attended by ABA-LSD members representing law schools in a geographic area from New Mexico to North Dakota and Minnesota. The host school was Drake University in Des Moines. The role of lawyers in Watergate kept coming up in seminars and speeches throughout the Conference. Former Attorney General **Elliot Richardson** summed up the participants attitude in the final speech of the conference by stating, "It is the obligation of the lawyer to tell his client what the public interest is, and what the law is, and not to just say, Yes Sir! No Sir! and I'll get it done, Sir! We saw the sorry parade of that type of lawyer in front of the Ervin committee."

At a seminar on "Ethics and Politics" Republican Representative **Wiley Mayne** and Democratic Senator **Dick Clark,** both from Iowa, agreed that public officials must take strong steps to restore public confidence in politicians. Senator Clark is a leader in proposing public financing of elections. He stated that, "Money is far too important in campaigning. Every politician is forced by necessity to accept contributions that he would rather refuse. No matter how much you try not to be influenced by it, you don't forget who the big contributors are."

Representative Mayne is a member of the House Impeachment Committee. When asked what his view of impeachable offenses was he replied, "Many briefs have been submitted to the committee by the top legal scholars in the nation. In my opinion, the phrase 'impeachable offenses' is a broader one. It's broader than just misdemeanors."

The ethics seminar also focused on the role of the press in politics, and the need for state press councils to investigate charges of unethical behavior by newsmen. Gilbert Cranberg, an editorial writer for the **Des Moines Register** and **Tribune,** said that the National Press Council in Washington has asked the White House a number of times for a specific list of times that the press has misreported Watergate, and received no answer. When discussing shield laws, Mr. Cranberg said that he believes that newsmen should have "an absolute privilege, greater than the attorney-client or doctor-patient privilege, because the purpose of the press privilege would be to further the public interest."

During the business meeting for the Eighth Circuit Schools, a resolution was passed asking Congress to impeach President Nixon for high crimes and misdemeanors. The discussion preceding adoption of this resolution centered on the belief of many law students that only an impeachment proceeding in which the President would have all due process protections would clear the air regarding the Watergate accusations and innuendo. One student said, "I oppose resignation because then the truth out the President's guilt or innocence would never come out." The Mitchell delegates supported this resolution because it was in line with a previous one passed by the SBA at Mitchell. This resolution was then passed on to the National Law Student Division and copies of it were sent to the Senators and Representatives of the states of this circuit.

A resolution opposing strip mining also passed at the business meeting. It was presented by the University of North Dakota student bar association. A proposal that the National LSD-ABA set up and fund a committee to study the legal effects of the Equal Rights Amendment passed, as did another resolution that would allow a Circuit Governor to be elected from the same school as the out-going Governor.

National LSD President, **Howard Kane** spoke at the business meeting about the national LSD convention to be held August 1-4 in Chicago. He explained that in the past the LSD met with the ABA Convention but that this year the ABA selection of Honolulu as the convention site made the LSD Board of Governors reconsider past policy. "Holding our convention in Hawaii would have meant that only a very limited number of students could attend. It is just too expensive to get there. So we've decided to hold our convention in Chicago. We want to make it available to many students. We are setting up workshops and seminars now. Our goal is to have so many interesting, good programs that a student will have trouble deciding which one to attend." The convention will be held at the Sheraton Hotel in Chicago and Mr. Kane urged as many students as possible to attend for some professional stimulation and an overall good time.

The Criminal Justice Seminar at the LSD-ABA Eighth and Tenth Circuit Conference both informed and challenged the students who attended it. The seminar was entitled "The Criminal Justice Trial."

Ms. Barbara Babcak, a Stanford University law professor and criminal trial lawyer, spoke on the right to counsel. She stated that it is very difficult to prove that a defendant was inadequately represented as long as he has a lawyer, no matter how incompetent that lawyer is. The courts will not overturn a conviction on that basis unless the record clearly shows that "the trial was reduced to a sham and a mockery."

She pointed out the shortcomings in many parts of the country of the three methods of providing counsel for the indigent.

The first method is the public defender system, which she stated is "overwhelmed with caseloads. It is common for public defenders to handle caseloads of over five hundred cases per year. Too often public defenders are under pressure to show how efficient they are to the governmental body paying them."

A second problem in the public defender system is the inexperience of the attorneys. Private law firms have some kind of an apprenticeship. With the public defenders it is too often a case of "I got experience, my client got time." She emphasized that the problem in the system is "not fresh young lawyers who are aggressive, but the uncertainty and lack of confidence of a neophyte public defender. It takes big money to train a criminal lawyer." She added that there are some excellent defender programs but "few are able to provide what in any area other than criminal law would be considered adequate counsel."

The second method of providing counsel for indigents is by appointment. Ms. Babcock sees this as resulting in a group she calls "Courthouse regulars." They are paid by the number of cases they handle and become concerned only with the number of deals they can make. The third way of providing counsel is to combine the first two methods.

"It is hard to sell the cost of ade-

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Conference

continued from page four

quate defense services to the public because they believe that most defendants are guilty anyway so an inadequate defense counsel doesn't hurt," she reasoned. But she concluded that the social cost of not providing adequate counsel is even high because, "The defendant is told he will have counsel. When he sees that the system works only for the rich he is filled with disgust and disrespect. He is alienated from this system along with his friends and his relatives."

Anthony Friloux, Dean of the National College for Defense attorneys spoke on pre-trial motions. He urged defense lawyers to make creative use of the ABA standards in their motions. With the renewed emphasis on ethics in the legal profession, the standards should carry weight in these motions, as an example, he said to attach a copy of the section on the prosecutors duty to disclose, to a discovery motion. He cited the ABA Criminal Law Standards as providing guidelines of ethical conduct for lawyers and urged lawyers to quote the volume on the judge's role to judge when necessary. "In most jurisdictions the bench and the prosecution have an affinity for each other," he said, and we must realize that the highest position a lawyer can have is not to be a judge or a prosecutor, but to represent a man whose life or liberty is at stake."

Friloux warned attorneys in all areas that "If we don't accept the challenge to improve the professional image by bringing ethics to the forefront of the law, then the law will be reduced to a secondary profession."

Justice William Erickson of the Colorado Supreme Court spoke at the seminar and compared our criminal trial system to the English one. "In England," he said, "only barristers handle trials. Other lawyers are solicitors." This guarantees that a trial lawyer is adequately trained." He added that in England a barrister may defend someone one week and prosecute someone the next week, thus avoiding what he considers an over-polarization of prosecution and defense lawyers.

The last speaker in the seminar was Justice **Walter Rogosheske** of the Minnesota Supreme Court. Justice Rogosheske helped draft the ABA standards and commented on the committee's work. "We started out thinking that it was the prosecutorial branch of the criminal justice system that was weak, but we were wrong. It was the defense branch. It was never weak for the rich defendant, but it was weak for the poor, the ignorant, the powerless and the hated. Future generations will judge us on how we treat the people," he said.

In speaking of the role of the defense attorney he decried a trend he has noted of lawyers only wanting to defend someone whose cause they believe in. In his view, the defense's role is "not only to insure that an innocent man is not found guilty but more importantly to insure that **no** man is convicted outside of the rules. We must protect against illegal convictions." He explained that the defense attorney does everything he can to assure that this man is not convicted by any illegal procedure or by any slur on his human dignity, and if he is acquitted the public should applaud the defense counsel and look to the deficiencies of the prosecutor."

Deborah Petryk Becomes First Placement Director

by Wayne Swanson

A professional placement office recently became a reality at William Mitchell when Ms. Deborah Petryk was hired to be the first full-time Placement Director in the college's history.

She has began an active program to place both graduating seniors and undergraduates, and has already made contacts with the Minnesota Attorney General's office, a number of County Attorneys, and many law firms and businesses.

Petryk said that she will work closely with the student Placement Committee, individual students, and employers, and will keep up to date files on each.

She has suggested several novel approaches to placement activities, including working with the Urban Corps, and applying to HEW for funding of work-study programs.

Petryk has spent the past five years with the Dorsey firm of Minneapolis, where she most recently was a legal assistant in their corporate law department. She has taken courses in business law, contracts, and leases since doing her undergraduate work at Bemidji State College. She is a high school graduate of Minneapolis' Roosevelt High. She has an avid interest in sports, as evidenced by the Brown Belt judo certificate on her office wall.

She has expressed surprise at the small number of students who have come to her for placement assistance since she began her job several months ago. Her office is located on the lower level of the college, and she urges students to make use of the placement service when looking for jobs.

College's Founders Were Legal Reformers Of Their Day

by Duane Galles

(Editor's Note: Next academic year, William Mitchell College of Law will begin its seventy-fifth year. William Mitchell is the successor of five Minneapolis and St. Paul law schools. This article — the second in a series — concerns the Minneapolis predecessors of the College.)

If reaction to Dean Pattee's method at the University of Minnesota Law School led to the founding of the St. Paul College of Law, his death and the emergence of his reforming successor, William Reynolds Vance, led to the establishment of the Minneapolis law schools.

In 1911, Pattee died and a new era was born for the University of Minnesota Law School. Too frequently academic history — like Chinese history — is periodized meaninglessly, according to dynasties and reigns.

But to speak of the Pattee Era and the Vance Era is justifiable. Pattee was genial and self-taught in the Lincoln mold. His personality pervaded his law school. Vance, by contrast, was witty and urbane. An M.A., PhD. and LLB. of Washington and Lee University, Vance stood in as stark a contrast to his self-educated predecessor as William Howard Taft did to William Jennings Bryan.

A thorough scholar, he was dean of George Washington University Law School and professor of law at Yale before coming to Minnesota. An intrepid reformer, he set out immediately to cleanse the Augean stable in Pattee Hall of the football team which had "grown muscular, if not learned, under Pattee's indulgent eye".

Vance attracted top-notch instructors to his law school to put it on a solid foundation. He also founded the law review and the legal aid bureau, before returning to Yale in 1917. He had, perhaps, something of the verve and energy of Teddy Roosevelt.

But for William Mitchell, Vance's most important act was the abolition of the University's night law division. Mooted shortly after his arrival, Vance's plan to end the evening division created his first crisis as dean. The alumni of the evening division immediately protested and accused Vance of 'fostering undemocratic principles' — elitism. Vance replied that his true goal was quality. Only half as many hours of instruction were available to the evening students as were required by the day curriculum. To Vance the situation seemed irremedial: Minnesota could choose between distinction or an evening law school.

President Vincent promoted a compromise. Those already matriculated in the evening division were permitted to finish; then, as evening enrollment fell off during World War I, the evening division was given the coup de grace.

Response to Vance's decision was immediate. Within a year three new evening law schools sprang up. They were the **Minneapolis College of Law**, the **Northwestern College of Law**, and the **Minnesota College of Law**. William Mitchell is the corporate successor of all three.

The first was the **Minneapolis College of Law**, incorporated 25 July 1912 "to teach and instruct students in the law and all allied branches of knowledge (and) to prepare all students for admission to practice at the bar". It was originally governed by a board of five trustees, James J. Craig, George E. Young, Adolphus Campbell Wilkinson, George P. Huhn and Loren W. Collens. Craig was president, Young was vice-president and dean, Wilkinson was secretary and Huhn was treasurer. The founders were a varied lot.

Craig was a Minneapolis businessman, as was Huhn. Wilkinson and Young were attorneys. Collins was a retired Minnesota Supreme Court Justice. A sometime realtor, Craig dabbled in various business ventures before coming to the education field. In 1910 he, Wilkinson and Richard Canning established the **International Law and Business Institute**, which was to teach law and business, both as a residential and a correspondence school.

The following year Craig, Canning and another incorporated the **University Extension Society**, a correspondence school, of which George P. Huhn later became treasurer. Although separate legal entities, Craig's three schools occupied the same quarters at 1904 South Second Avenue until 1918 when, it seems, Craig left education for the investment and advertising business and his two earlier schools were dissolved.

Huhn was also a businessman. He was a banker. A. C. Wilkinson, however, was a lawyer. A Yorkshireman by birth, he emigrated as a child to America, read law privately and was admitted to the bar. He served as county attorney before becoming solicitor for various railroads. In 1905 he was elected president of the Minnesota State Bar Association.

Mr. Justice Collins was a civil war veteran and an eminent jurist. He served over twenty years on the Minnesota district and supreme benches, and by the time of the College's founding was a venerable septuagenarian. He was doubtless selected to lend dignity to a pot pourri board.

Young

The remaining founder and first Dean of the Minneapolis College of Law was **George E. Young.** A farm boy and Illinois native, Young did his undergraduate study at Hamline before taking his law degree at Minnesota in 1891. He then went into private practice in Minneapolis and acquired a large clientele. He is said to have been a leading member of the Minnesota bar, noted for his "forceful presentation of a cause" and "the logic of his arguments." Constitutional law was his specialty and he published a volume on it. He seems to have been not only a good lawyer but also a keen businessman (He was a furrier).

At any rate, three months after he helped found the Minneapolis College of Law, Young incorporated the **Northwestern College of Law.** Its charter was almost identical to that of the earlier College but the Northwestern College of Law was peculiarly Young's institution. It was inextricably identified with its creator and came to an end soon after Young's death in 1927. The College seems to have been imbued with Young's entrepreneurial spirit. Its typical announcement read: "Put yourself in the big income class . . . Decide now to study law . . . Our evening classes offer unusual opportunities to the man who cannot afford to give up his present position. Easy monthly payments . . . Diplomas admit to Practice."

Nevertheless, it was an accredited institution. It was approved by the Minnesota Supreme Court for diploma privilege and among its alumni were some of the best known attorneys in Minneapolis. **Governor Floyd B. Olson** was one of its first alumni. That 'fearless fighter for the common man' graduated summa cum laude in 1915. He served as Hennepin County attorney ten years before becoming governor in 1930. His brilliance and integrity made the six-foot Viking a popular hero who became legendary after his untimely death in 1936.

Within a year, the third law school was founded. From its inception it lacked the entrepreneurial air of its two rivals. It was designed to be "a college wherein may be taught the principles of law and allied branches of knowledge to persons desiring to acquire knowledge thereof and to prepare them for admission to the Bar." Unlike its rivals, it had no capital; the business motive seems less in evidence. All matriculants were required to be high school graduates (as the diploma privilege law required). Its founders were a group of young Minneapolis attorneys, Elmer C. Patterson, Lars O. Rue, Frank A. Whiteley, Robert K. Alcott, Ace P. Abell, Thomas J. Stevenson and Allan T. Lorem.

Patterson

E.C. Patterson was the first dean of **Minnesota College of Law** A native of Pennsylvania, Patterson was educated at Lenox College, Iowa, and served as a school principal and newspaper editor before he took up law and was admitted to the bar in 1892. Before moving to Minneapolis in 1909, Patterson lived in Marshall, Minnesota, where he served as county attorney and probate judge.

The College's third dean and first associate dean was **Lars O. Rue.** An Iowan of Norwegian descent, Judge Rue took his undergraduate and law degrees at the University of Iowa before his admission to the bar in 1901. He served as county attorney and at the same time taught commercial law at a local college. In 1910 he came to Minneapolis and acquired an extensive solo practice. Said to be a 'clear reasoner' and 'a concise speaker', he became Dean in 1926. In 1931 Governor Olson appointed him to the district bench where he served until 1949.

Frank A. Whiteley was another young Minneapolis attorney. A native of Minnesota, he studied engineering at Minnesota and law at George Washington University. He then spent five years as an examiner in the U. S. Patent Office before returning to Minnesota in 1911. He acquired a busy practice and was first president of the Minnesota Patent Law Association.

Robert K. Alcott served as assistant secretary (registrar) of Minnesota College of Law and also was instructor in contracts and domestic relations. He was also young. Educated at Stanford and Minnesota, he took his L.L.B degree in 1904, after a stint in the Spanish-American War.

Though not a founder, **George T. Simpson** was one of the first instructors of the College and its second dean. Simpson was a native of Winona and took his undergraduate and law degrees at Wisconsin. Admitted to the bar in 1895, he soon began a steady rise in public service, serving as Winona city attorney, county attorney, assistant attorney-general and (1909-1912) Attorney-general of Minnesota. In 1918 he succeeded Judge Patterson as Dean of the Minnesota College of Law and served until 1925 when Judge Rue succeeded him.

Simpson

Another distinguished early instructor and later Dean was **Arthur W. Selover.** Judge Selover took his B.A., L.L.B. and L.L.M. degrees at Minnesota and was admitted to the bar in 1894. He served several years on the editorial staff of West Publishing Co., in the meantime publishing works on negotiable instruments and banking. His work on negotiable instruments, it appears, was adopted as a text at Yale Law

Selover

School. His interests ran the gamut from politics to music. He served as alderman, council president, charter commission president, and district judge and was also a member of the Apollo Club.

Two other early instructors were Judges Dahl and C. L. Smith. Judge John Dahl was one of the earlier Swedish-Americans to rise to a high office in American public life. A graduate of the University of Minnesota law school, he was for many years probate judge of Hennepin county. His biographer noted him to be 'a remarkably able man', 'possessed of the true judicial temperament.' Charles Linnaeus Smith was a native of Illinois, educated at the University of Illinois and Albany Law School, one of the older law schools in the United States. He practiced law many years in Minneapolis before becoming municipal judge in 1905.

The Minnesota College of Law prospered. In its first decade the size of its faculty doubled and in 1923 it had 350 students—some of whom achieved prominence. Perhaps one of the best known graduates of the Minnesota College of Law is **Luther W. Youngdahl.** Youngdahl graduated from Gustavus Adolphus and served as an officer in the first World War before studying law. In 1921 he graduated and was admitted to the bar. In 1930 he became municipal judge, in 1936 district judge, in 1942 Supreme Court justice and in 1946 Governor of Minnesota. He occupied the governor's chair until 1951 and later became a federal district judge. He taught at his alma mater many years and for a time was assistant dean.

The chief purpose of the Minnesota College of Law, however, was not to produce eminent jurists. Rather it was to train competent legal practitioners. As Dean Patterson explained in 1914, "We do not neglect the theoretical side of law, but we emphasize the practical side." Parenthetically, one might say this has always been a hallmark of William Mitchell and its predecessor institutions. Dean Patterson also pointed out another characteristic when he described his College's raison d'etre as to "furnish an opportunity for men who do possess legal ability but whose financial condition is such that they cannot attend a day law school."

Dean Patterson was in an excellent position to mold the Minneapolis law schools. After serving as Dean of the Minnesota College of Law five years, he moved to the deanship of the Minneapolis College of Law and served there as dean until his death in 1935. The president of that College was Judge Winfield W. Bardwell. Judge Bardwell took his L.L.B. and L.L.M. degrees at the University of Minnesota and was in private practice in Minneapolis twenty years before his appointment to the bench in 1912. His tenure on the bench lasted over a third of a century—until his death in 1946.

Bardwell

He conducted the College's moot court in an interesting fashion. He held moot court in his own court room in the Hennepin county court house. The case argued was an actual case which had gone to the Minnesota Supreme Court with students, of course, serving as counsel, parties, witnesses, jurors and court officers. The sessions were open to the public.

William Mitchell's fourth Minneapolis ancestor is the **Young Men's Christian Association Law School** founded in 1919. It was organized by a group of leading Minneapolis lawyers who included Frederick H. Stinchfield, Wilbur H. Cherry, Joseph W. Molyneaux and Daniel Fish.

Stinchfield was a leading member of the Minneapolis bar. Educated at Bates College and Harvard Law School, he was admitted to the New York bar in 1906. Shortly thereafter he came to Minneapolis where he moved in the best circles. A member of the Minneapolis Club and the

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Kyle Montague— A Legend And An Educator

by Frank Gerval

An omnipresent pipe, a penchant for promptness and preparedness, and a voice that rumbles and thunders are but a few of the hallmarks of William Mitchell's inimitable professor of contracts, Kyle Montague.

Professor Montague's vocal characteristics are legendary and more than one student has attempted to imitate his style of delivery while relating a favorite Montague anecdote.

Unfortunately the onomatopoeia possessed by individuals is sadly inadequate to describe the burly "harrumph's" and "brrahaha's" which punctuate Montague's classic lectures.

More important than Montague the legend, however, is Montague the educator. Montague began his career at Mitchell in January of 1960 under unique circumstances.

According to Montague, a telephone call came "out of the blue" one afternoon from Steven Curtis, then dean of William Mitchell. Montague said the dean asked him if he would teach a course in bills and notes.

Montague accepted the offer.

"I've never found out how the dean got my name," says Montague. "Perhaps a student gave him my name. But I don't know how it actually came about and I've never found out."

Accepting the position at William Mitchell meant commuting from St. Peter, where Montague makes his home, and also teaches at the college of Gustavus Adolphus. The round trip from St. Peter to St. Paul is 150 miles, but Montague rarely misses a class. In fact, he says, the trip serves as a relaxer:

"I enjoy the drive. Why, if I lived only 25 miles from here, I would hardly have a chance to settle down by the time I arrived."

Montague attributes his promptness to careful planning of his time. Wise use of time is a bit of advice he is fond of giving incoming students:

"There is a great need for personal organization. Time for study and preparation must be carefully laid out and the student must persist in sticking to his schedule."

Montague practiced law early in his career, but seems to view himself more as a teacher than an attorney.

"I've been a teacher all my life," he says. "I practiced law for a year and a half, but went back to teaching."

Sitting on the receiving end of a lecture by Montague as a first year student can be an intimidating experience. Upper class students who have had him for subsequent courses, however, say his vigorous teaching style is less intimidating the second time around.

Montague denies any purposeful attempt to intimidate students.

"If it is true that I intimidate the students it is certainly not done deliberately Any intimidation must result from certain of my personal characteristics," says Montague. "It is not something done by design."

Part of the alleged intimidation is a result of Montague's rules concerning preparedness and standing while briefing cases. A student may slide through a class session unprepared if a slip with his name on it is placed on Montague's desk before the class begins.

This is to insure against calling on unprepared students, Montague explains, but, regardless of the rule's higher purpose, it is strange feeling to admit in writing that one is unprepared for his class.

By being prepared, a student faces the chance of being called on to brief a case. Briefing a case is a conundrum most beginning law students prefer to face sitting down. But in professor Montague's class, cases must be briefed while standing.

"Standing up helps in learning the student's names," says Montague. "It is also a good recitation technique' lawyers ought not to slouch at counsel table nor mutter at the court.

"My approach to teaching contains devices I feel are good for the student. I'm surprised students allow themselves to be intimidated."

Over the years Montague says he has noticed changes in the student body aside from today's Mitchell students being younger.

"There is a greater willingness on the part of today's student to volunteer and more actively participate in discussion," he says.

"Students of years past were not as eager to engage in discussion. They gave me the impression they were in school to absorb knowledge and were less willing to take time to discuss."

Montague views this trend in today's students as a plus, but says he is sometimes forced to limit discussion because of time limitations.

"There is a problem of covering a given amount of material in the time available. I feel an obligation on my part to cover the necessary material."

Montague said he has noticed a higher level of unpreparedness in recent classes, compared to previous years. But, he says, the end results appear to be as good as they always have been.

A good end result is something for which Montague may take personal credit, since his primary interest at Mitchell is teaching.

"To me, the law school is the students, the faculty and the library." I am here to teach and I get involved in administrative matters only when I have to.

"And I don't mind telling you that I do not relish such involvement."

A story about Montague the educator would not be complete without an anecdote or two concerning his colorful teaching style. One such story goes like this:

After a few weeks of the first semester of 1972 had passed, students in one of Montague's first year classes were still mispronouncing "demur." (It frequently came out "demure").

One evening an attractive female student in the class was called upon to brief a case. She rose to her task and began her brief by stating that the defendant had "demured" to the allegation. Although many students before had mispronounced the word, Montague seized this particular opportunity to make a correction.

"Young lady," he said, "the word is demur, not demure."

It seems more than coincidental that the pretty young student was probably the demurest person in class.

Another highlight is Montague's yearly oration of the epic poem **Aberlone, Rose Of.** The poem is illustrative of the case of Sherwood v. Walker, the subject of which was the replevin of a cow. Montague's delivery borders on the theatrical.

"Students deserve at least one 30 minute break a semester," he says.

The interview with Montague ended with one of his favorite quotes. Montague carefully tamped his pipe, puffed it a few times until the smoke encircled his head, settled back in his chair and said:

"There are four things which I cherish in my life. My wife, my daughter's family, the law and my pipe.

"Not necessarily in that order."

'If it is true that I intimidate the students, it is certainly not done deliberately'

'I am here to teach . . .'

Minnesota Bar Director: 'People Should Look At What Bar Is Doing'

by Edward Lief

Gerald A. Regnier, executive director of the Minnesota State Bar Association and editor of **Bench and Bar,** was the featured guest of the Phi Alpha Delta (PAD) Law Fraternity's Pierce Butler Chapter at its April 20 luncheon meeting at the Lexington restaurant in St. Paul.

In a wide ranging three hour discussion with the PAD members and guests present, Regnier focused on the relationship between the bar association and the community.

Referring to "the self-serving trade association image" sometimes attributed to the organized bar, he said people should look at what the bar association is actually doing today. "The first test used to be 'What's good for the members?'. Now, however, the first test is 'What's good for the community?'" He said the change has been one of emphasis.

He also cited one practice for which the bar association was often criticized — fee schedules. He maintained "one of the main theories of fee schedules was to prevent a young lawyer from charging too much, from charging for his education." Regnier said the fee schedule was to show the young lawyer what other lawyers were charging. But he took note of the view that the fee schedule system was collusive. However, he said the Kansas unit system under which a given legal task is rated according to how much time it "should take" is also open to the charge that it is collusive.

Regnier brought up the subject of Watergate and suggested it should be viewed in the larger context of legal ethics in general. "It doesn't do much good to talk about Watergate in a vacuum," he said. Rather, it should be seen as an example of "how lawyers can become victims by the circumstances." While not passing judgment on any particular Watergate defendants, he said: "The question is what did they do after they became aware of criminal acts. Did they proceed to cover them up, to insist on secrecy, and so on? That's when their criminal acts began. It's a matter of the affirmative action they were supposed to take in notifying the proper authorities."

In other comments at the luncheon, Regnier observed:

The Minnesota State Bar Association has decided to draft and lobby for specific pieces of legislation, rather than endorse general concepts. He said this enables the bar to make a more concrete contribution than would the mere passage of general resolutions.

Law Day, May 1 of each year, should be "a date for the bar to inaugurate new services to the community, rather than a day in which it merely pats itself on the back." Consequently, the association this year introduced its educational program for fifth grade pupils in Minnesota schools. (See story in this **Opinion**)

The Association's annual convention will be in Duluth this summer. Students may attend as guests at the guest registration fee of $25. The convention will be June 26-28 at the Duluth convention arena and Radisson Duluth Hotel.

Last year the Association changed its membership rules so that anyone enrolled in an ABA accredited law school may join the state bar association as a student member. Formerly, student membership was not possible until one was in the third year of law school.

The student membership fee is $5.00. Student membership forms are available in the office at William Mitchell.

Regnier praised two members of the William Mitchell administration, Dean Douglas R. Heidenreich and Registrar Jack Davies. "Your dean is very active in the activities of the Minnesota State Bar Association and makes a very effective contribution." Regnier also said, "Jack Davies has a lot of respect for the bar. Sometimes we differ on certain issues, but he's helped us on a lot of things."

The Methodology of Logic In The Law of Statutory Liens: Possession Worthier Than Ninety Percent

by Alan D. Harris

Editor's Note: The author, who is a 1967 graduate of the University of Minnesota Law School and currently practicing commercial law with the firm of Levin & Harris in Minneapolis, has been a prior contributor to our paper. See "Prior Restraint of Property and Due Process of Law Revisited," Opinion, February, 1973. The rationale generally presented therein and certain aspects thereof presaged those presented in a recent student note appearing in 58 Min.. L. Rev. 247 (Dec. 1973).

"Your conclusion is irrefutable if your premises are correct."

—Anonymous

"Law is like logic and mathematics . . . because . . . theorems are derived from axioms not only by deduction but by . . . paraduction . . . (i.e., that method of argument developed case-by-case) . . ."

—Roy L. Stone-de Montpensier*

"The life of the law has not been logic: it has been experience . . ."

—Oliver Wendell Holmes**

An admittedly rather obscure case and presumably more familiar statute,[1] are the primary media to be used herein for a re-examination of the relationship between logic and the legal method, particularly with emphasis upon the judicial process. As will become evident by the references made in the ensuing footnotes that the topic being discussed (i.e., the law-logic relationship) involves clearly trespassing upon familiar territory is not gainsayed; although originality is not pleaded by this author, neither is repetition on the theme admitted and is therefore clearly denied. The thesis to be pursued herein is that strict logical method in the judicial process, although not to be condemned per se, is not a substitute for less formal and more pragmatic reasoning, which can be characterized more readily by the inductive method.

The facts of the Braufman case were that he (in his individual capacity and doing business under another name) brought a replevin action against Hart to recover possession of certain printed and unprinted paper in its possession. The trial court sustained Hart's claim for a statutory lien[2] on the entire lot of paper for printing services performed on only a portion thereof.

The statute in question allowed for a possessory lien on personal property improved by and through labor and/or materials furnished[3]. The primary issue presented for determination and as to which the statute did not make explicit was whether the lien also attached to property still in possession of the contributor for improvements made (i.e., the printing thereof) to that property no longer possessed; and, if so, to what extent, i.e., whether the lien can be impressed upon yet unimproved and undelivered personality as well.

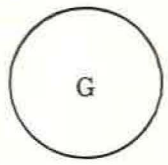
The initial headnote in the case report reveals the answer to the first part of the posed question as follows:

> "Where goods are delivered under **single contract** for services to be performed on all such goods and services are performed thereon but only part of such goods are delivered to owner, party who has performed services has at common law lien on goods retained in his possession not only for value of services performed upon goods retained **but also** for value of services performed upon goods which have been delivered."[4] (emphasis added)

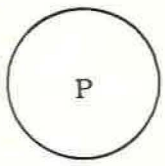
The authority for the headnote law summary is the English case of **Blake vs. Nicholson,**[5] although its citation in the report curiously precedes the headnote discussion the main body of the opinion.[6] This case also involved printing services; but unlike Braufman, the services had been fully performed and therefore the contract for same fully executed.

For the purposes to be employed later on, the preceding proposition of law will be reduced through the standard techniques employed by the process of so-called categorical translation in the discipline of logic[7] to the following proposition: All goods possessed and improved are chargeable for all goods improved. Also, this proposition can through the use of standard diagramming methods[8] be illustrated thusly:

Let,



stand for goods;



stand for goods possessed;

See Next Page

REFERENCES AND FOOTNOTES

* **The Compleat Wrangler,** Article 50 Minn. L. Rev. 1001-1003 (1966).

** **The Common Law** 1 (1881)

1. **Braufman vs. Hart Publication, Inc.,** Minn. 48 N.W.2d 546 (1951) hereinafter referred to as Braufman) **interpreting** M.S.A. secs. 514.18-.19 (granting to bailee a possessory lien on personalty for the reasonable value of labor and/or materials furnished therefor). As to the general principles of the various statutory liens relating to the kind under consideration here, see Efron (M.E.), "Statutory Liens for Services Rendered for Materials Furnished," in the Practitioner's Guide to Creditors Remedies (Minn. C.L.E. Pract. Man. No. 46, 2nd Ed. 1971.)
2. See note (hereinafter-n.) 1 **id.**
3. See n.1 **supra.**
4. 48 N.W.2d 547 (cross reference to Minn. Reports citations for Braufman case also will be omitted throughout remaining footnotes). The court, as a separate holding, was also to decide in the course of its opinion that the statute (M.S.A. 514.18-.19), neither being declaratory or in derogation of the common law, did not supersede as a matter of statutory construction the common law rule as applied and extended and therefore remained compatible therewith. 48 N.W.2d 551. It should be noted that a further implied condition for preserving the common law rule facing statutory emasculation is that it must be considered well established. (See **Thornton Bros. Co. vs. Reese,** 188 Minn. 5, 246 N.W. 527 (1933); **accord,** U.C.C. sec. 1-103). However, it appears that there was a dearth of Minnesota authority for the rule since the immediate court mentioned only one case at best only collaterally supporting the proposition advanced. 48 N.W. 2d 550, **citing Bongard vs. Nellen,** 210 Minn. 392, 298 N.W. 569 (19).
5. 105 Reprint (K.B.) 573 (1814).
6. 48 N.W. 2d 549 (appearing in that part actually constituting a recitation of the facts).
7. See Copi, Intro. to Logic 191 (Macmillan Co. 1953 ed.). See generally **id.** (chs. 5 and 7; Emmet, Handbook of Logic, ch. III (Littlefield, Adams 1967 pocketbk. ed.).
8. See Copi and Emmet **id.** at 152-156 and 36-38, respectively.

SBA Sponsors Bike-a-thon Rider

Biking Beats Booking

by Jim Lilly

Really, it did sound like a good idea. Biking 35 miles for the March of Dimes and helping the handicapped . . . well, it struck me as a good idea . . . it sure beat studying. So with great expectations, I set off on the journey.

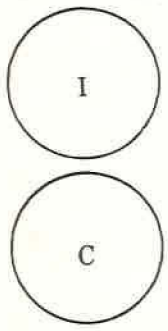
The first leg of the trip, from Highland Park to Lake Phalen, was a breeze. As a matter of fact, the entire trip was a "breeze." Generally, it was about 30 mph and was coming from the direction that I was going, naturally. Anyway, the trip to Phalen took about 45 minutes. Thirty of those were spent going up the Kellogg Avenue bridge and the Third Street hill.

The second leg of the trip, from Lake Phalen to the U of M St. Paul campus, was a little more interesting. It was along this leg that the sponsors decided to save money on route signs and see if the bikers could find their own way. I could, but it wasn't the way that the sponsors had intended. My route was much more scenic. I even got a tour of Little Canada. No matter that I rode an extra five miles.

The final leg of the trip was from the U back to Highland Park. This was rather uneventful, mostly downhill (but always against the wind). The high spot of this leg came when I deviated (intentionally this time) from the route and rode by our beloved CAMPUS. Of course, I was compelled to stop and stand around in the corridors to drink in the legal refreshment exuding from the walls. After nearly blowing my mind on this experience, I gave the school a deserved salute and sped on my way to the finish.

As a result of this trip I was able to raise $52.50 for the March of Dimes, thirty-five of which was donated by our own SBA, which sponsored my ride at the rate of one dollar per mile. I will spend the rest of the semester recovering from the 35 mile ride. I won't be able to study (my body won't tolerate that). But they don't flunk fourth year students here anyway. Do they?

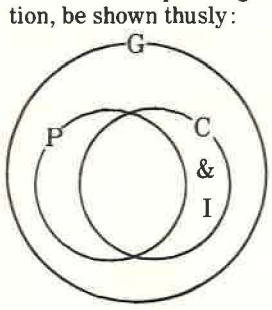
Mitchell student Jim Lilly takes a break.



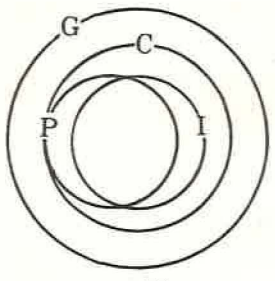
stand for goods improved;

stand for goods charged;

Therefore, since it is known that not all goods are both improved and possessed, the alternative, probable relationships being dealt with may, by simplification, be shown thusly:



I.



or II.

The remaining aspect of the issue was determined in reduced form as follows: If all goods possessed and improved are chargeable for all goods improved (regardless of their being possessed), then: all goods possessed and unimproved are chargeable for all goods improved (irregardless of their being possessed). The court stated the foregoing proposition in this way:

> ". . . In **strict logic**, if a lien claimant may charge goods in possession not only with the value of services performed upon other goods no longer possessed but which were delivered under the same contract, **it follows** that he may do likewise with retained goods on which no services have been performed . . ."[9] (emphasis added)

However, whether as a matter of formal logic the conclusion reached by the court inexorably results in the same immutable manner that the day follows the night (or vice versa depending upon one's preference) depends upon which of the two logic universes depicted by the separate diagrams above (i.e., I or II) is being considered; this is so, because either one is equally plausible from the initial proposition of law stated by the court.

It is determined from the case of **Blake vs. Nicholson**[10], cited by the court,[11] that at least some goods possessed and improved can be charged for all goods improved but not necessarily possessed. In mathematical parlance, the focus of all points determining the satisfying and foregoing condition is depicted by the intersecting circles in both universe I and II. However, the conclusion that **unimproved** possessed goods are also chargeable cannot be confirmed within diagram I. This is so because for all goods possessed, only improved ones are chargeable.

The authority providing by way of induction the last step in, what has been up to now, the deductive process and thereby eliminating universe I from further consideration was the case of **Chase vs. Westmore**[12] which, as cited by the court, determined the following:

> "In that case, the court allowed (in the context of a replevin action by a bailor to recover both processed and unprocessed farm product (i.e., wheat) in possession of a bailee) defendant a lien upon all the goods remaining in his possession for the balance due for grinding under the entire contract, thus allowing the lien to attach to unprocessed wheat (as well) . . ." (parentheticals added)[13]

Thus the immediate court in the true tradition of "mechanical jurisprudence[14] could dogmatically assert that the result inexorably followed as an instance of strict or formal deductive logic.[15] It is submitted that such reasoning was fallicious. At most the immediate court was presented with the classic situation encountered of the unprovided case within a traditional system of jurisprudence placing foremost reliance upon the doctrine of "stare decisis.[16]" Characteristically the response of the court can be said to have been normative, but erroneously so. When shown categorically and syllogistically, it is easily demonstrable that the decision (i.e., conclusion) does not follow from its precedents:

All goods possessed and improved are chargeable
(for goods improved)

Not all goods possessed are goods improved

Therefore, All goods possessed are chargeable
(for goods improved)

That the foregoing result could not have absolutely obtained (aside from obviously violating one of the general rules for so-called "standard form syllogisms[17]") becomes evident from the legal decisions constituting the premises wherefrom all that could be deduced before and up to the decision of moment is that the common denominator, so to speak, in charging property with a lien was the element of improvement. Nowhere can it be implied that unimproved property is also subject to being chargeable with a lien. The constant in the judicial equation is the improvement made and not the lack thereof. Once the possibility (variable) of unimproved property is introduced, the system becomes an "open" one in that it is uncertain and indeterminable whether unimproved property is chargeable with a lien; then externalities need to be introduced and determination reached by resort to analogy (i.e., induction[18]). The foregoing is not meant to belie or reflect upon the result reached by the immediate court from a policy standpoint, which was laudable for protecting the fruits of the laborer's efforts, but is meant to be critical about the apparent means ascribed by the court in reaching or justifying the end result; one that could not be achieved within the closed, dialetic system characterizing deductive logic and putting a premium on so-called mechanical jurisprudence at the expense of deliberate reasoning. That in reality the decision of the court was actually reached through the open system of reasoning represented by the process of inductive logic tends to demonstrate that analogy rather than derivation is more suitable for the judicial decision-making process, at least when a court is faced with deciding the unprovided forecase.[19]

That Holmes was on the right track when he boldly pronounced that "the life of the law has not been logic; it has been experience . . .[20]," is aptly demonstrated by the dilemma presented in the traditional decision-making process when confronted with the unprovided forecase. The dilemma is resolved and the system perpetuated through infusion of new principles deduced from without and thus inductively formulated from knowledge gained through experience.

9. 48 N.W. 2d 549.
10. **Supra** n 5.
11. **Supra** n. 6.
12. 105 Reprint (K.B.) 1016 (1816).
13. 48 N.W. 2d 550.
14. See Pound, Mechanical Jurisprudence, 8 Coll. Rev. 605 (1908), in Henson ed. Landworks of Law 101 (Harper & Bros. 1960).
15. See **supra**, n. 9 and accompanying text.
16. See Dickinson, The Problem of the Unprovided Case, 81 U. of Pa, L. Rev. 115. (1932), partially reprinted in, Auerbach, et al., The Legal Process 362-365 (Chandler Publishing 1961); Patterson, Jurisprudence — Men and Ideas of the Law 579-594 (1953), in **id.** 390-391.
17. i.e., If any premise of an otherwise valid categorical syllogism (i.e., those syllogisms made up of (otherwise) valid categorical propositions) is negative, the conclusion must also be negative. Copi, **supra,** n. 4 at 181; Sherwood, Discourse of Reason: A Brief Handbook of Semantics and Logic 69 (Harper & Bros. paperback ed. 1960).
18. See Emmet, **supra** n. 4, 54-56; see generally **id.**, ch. 8.
19. **Cf,** Wrangler, **supra,** first asterisk, 1003." This method (case-by-case procedure) (is called) paraduction. The law also uses deduction . . . but . . . less often than . . . paraduction . . . (parantheticals added).
This leads to a related inquiry: Does the court "make" (aside from the fact that the legislature has virtually preempted this function in modern jurisprudence) or merely "discover" (i.e., find) the law? (Lest this dilemma be considered esoteric or academic, reference need only be made to a somewhat recent decision of no less an august body than the U.S. Supreme Court in the case of **Linkletter vs. Walker** U.S. 14 L. Ed. 2d 601 (1965) (involving the retroactivity of the Court's previous decision in **Mapp vs. Ohio,** 367 U.S. 643 (1961), wherein the Court early in its opinion decided do the make-discover dichotomy in the context of historical jurisprudence and the respective schools of thought of no less dignitaries on the subject than Blackstone and Austin. 14 L. Ed. 2d 604-605. If the judicial process is more inductive than deductive in this decision making as suggested, does this characterization tend to resolve the posed query? This submitted that the dilemma cannot be resolved unequivocably since the courts are capable of performing the functions in reaching their decisions E.g., consider the following comments upon the topic:

> "The judge **makes** law in the sense that until the decision is uttered in the particular case, the law does not exist (officially); but the judge **discovers** law in the sense that the proposition (decided) cannot be expressed by him unless . . . implied by some part of the set of propositions which comprise law in discourse." (parantheticals and emphasis added) Alder. Law and the Modern Mind: A Symposium Legal Certainty, 31 Col. L. Rev. 91(1931), in Hall (ed.). Readings in Jurisprudence 391 (Bobbs-Merrill 1938);
>
> ". . . Do courts make law? is to be answered in the affirmative in the sense that each new decision, insofar as it has significance as a precedent, adds something to the meaning and content of the proposition on which it based . . . (T)he fiction that judges merely "find" the law which is uniquely and inexorably controlling (becomes apparent) (if) it be recognized that "finding the law" involves a choice among (possible) premises (i.e., competing arguments) . . ." (parantheticals added) Patterson, Logic in the Law, 90 pa. L. Rev. 875 (1942) in Landmarks, **op cit supra,** n. 14, 127, 135;
>
> ". . . (U)nless the rule of the major premises exists antecedent to . . . (the facts contained in) the minor premise, there is no judicial act in stating the judgment. The man who claims that under our system the courts **make** law is (not asserting the truth) . . ." (parantheticals and emphasis added) Zane, German Legal Philosophy, 16 Mich. L. Rev. 338 (1918) in Readings, **op. cit. supra** 365.

20. **Op. cit. supra,** second asterisk.

Mitchell Student Enters Political Race In 65A

by Frank Gerval

Pottratz points out his District

A second year student at William Mitchell has decided to grapple with the political machine of a local legislative district. Bob Pottratz has committed himself to challenging the incumbent Democrat of District 65A.

So far there have been few hats tossed into the 65A political ring. The Republicans in that area have yet to come forth with a candidate and the only other announced challenger is another independent. Pottratz is also running as an independent.

Pottratz said he has been sizing up his adversary for some time. The incumbent, Fred C. Norton, has held the district for the past several years and has received little in the way of a challenge to his post.

A native of New Albin, Iowa, Pottratz came to the Twin Cities area in 1972 after receiving an M.B.A. from Mankato State. Politics began as just a sideline interest with Pottratz, but in the last several months it has become more of a consuming effort.

"I've watched Norton in the legislature and he is a do-nothing," said Pottratz. "He doesn't get involved in the issues; he doesn't represent his constituents."

Pottratz seemed to be particularly concerned about the part-time approach many legislators take concerning their jobs at the capitol.

"We need someone who can devote full time attention to the legislature and the community," said Pottratz.

Pottratz criticized Norton's maintenance of a full time law practice. "You can't have a full-time job downtown and still do a full-time job for the people as a representative," said Pottratz.

Pottratz admits that his chances of defeating Norton are slim. "My forces and resources are a little on the lean side," said Pottratz, "but I've got the time and the desire to put up a good effort. I'll knock on every door in the district if that is what it takes."

Involvement has been a way of life for the 25 year old fledgling politician. Pottratz is a member of the Ramsey Hill Association, an organization dedicated to maintaining the historical and cultural integrity of the district in which he lives.

Pottratz's employment also reflects his interest in the government and the people. He worked a stint as an investigator for the Consumer Affairs Division of the Office of the Attorney General and is presently employed with the St. Paul Human Rights Commission.

One project of particular interest to Pottratz was the police ride along program. Pottratz, as a regular citizen, rode along with the police on one of their beats.

"I saw a lot of things I was reluctant to believe actually went on," said Pottratz. "What can happen in the course of a regular police patrol is something every citizen should be aware of."

Money hasn't been the drawing card for Pottratz's involvement in the government and his related activities. "Working these types of jobs is no way to strike it rich," said Pottratz. "The real benefits are seeing just what goes on inside the government that controls the society in which we live.

"I'm tired of seeing power abused," said Pottratz. "I just can't sit by any longer and watch those who profess to represent the people represent only themselves or a few special interest groups."

Pottratz has taken affirmative stands on several issues. Some of the more popularly discussed issues are these.

ABORTION — "In coming to a conclusion on how I feel about abortion I first had to put myself in the position of a woman who is pregnant and doesn't want to be," said Pottratz. "It isn't an easy thing to do, but after giving it some careful thought I am unable to justify a law that says a woman doesn't have the right to make up her own mind concerning an abortion," said Pottratz.

AMNESTY — "It may be a national issue but it touches many of the homes and hearts in this state and even my district," said Pottratz. "The war was a long and ugly affair and we shouldn't pour salt into an already gaping wound by threatening those men who left the country to avoid the war with punishment," said Pottratz.

REPRESENTATION — "The size of the legislature should be cut in half and the funds saved thereby redistributed to employ a full time representative body," said Pottratz. "We must put a damper on irresponsible fiscal spending," he said.

PEOPLE — "The people of my district and of the state deserve more public service than they are getting. It seems the only time you see the politicians is during election time; the representatives should be out in their districts knocking on doors and meeting with the people during the off-years, too," he said.

Pottratz is a modest and gentle person, but when it comes to politics and the people he shows his mettle. It is certain that if Pottratz wins next November the victory will not be the result of a well-oiled political machine but the pluck and persistence of a single citizen trying to make some changes.

Summer Activities Planned

Intramural Completes First Year

by Lou Tilton

Last fall an intramural program was started at William Mitchell. It was the first attempt at this type of a program in the seventy-four year history of the school. It can be termed a success by most accounts.

There was an initial objective to have participation in football, basketball, volleyball, tennis, badminton, handball, golf and softball. That was not achieved. There were two big factors which prevented the goal. The biggest factor was time. "Time is the essence." is an appropriate phrase. About the only common time period available to night students, especially those who work, is Saturday morning. The number of available Saturday mornings is limited by finals, papers, vacations and other conflicts (studying, family, rest, recovering from Friday night, etc.). The other big factor limiting the overall program was William Mitchell's lack of facilities. Many mornings when students were available to partake in a sport, the facilities were not available and games could not be scheduled. Hence, all the desired sports could not be squeezed into the available dates and those of lesser interest were eliminated.

On a numbers basis, however, the program would have to be judged a success. There was participation by a good number of students in the sports that were organized. There were ten teams that played football and fourteen teams that played basketball. Forfeits in football were minimal, considering the weather, early starting times, and late posting of schedules.

Basketball was even better, with only a few forfeits which came at the very end of the season. Those that participated seemed to enjoy it. Even after the most heated games players usually regained their composure and bore no hard feelings towards the other players or referees.

Next year's program promises to be better! There is a basic program upon which to build and students are aware that intramurals exist. Also the scheduling of most finals just before vacation will help with the continuity and availability of Saturday mornings. Facilities are being reserved for existing sports and with the additional time other facilities for other sports can be lined up.

It is to be emphasized that intramurals are not just for the 'jocks' so to speak. They are open to everybody. True, some sports require a little knowledge and experience to enjoy them! But others require almost nothing to have fun. Intramurals offer a separate opportunity for students to get together outside of school and meet one another. The softball program and golf tournament this summer will give students a chance to participate with other students along with their husbands and wives in a school event other than studying or at a party. There will not be the pressures of school nor the high demands made upon your time.

The golf tournament will take place on a Saturday morning with a designated place for a picnic afterwards. The date, place and sign up sheet with details will be posted on the bulletin boards in school. All duffers are welcome. There will be prizes for worst score, best score and other categories.

The softball program will begin the first week after finals. Details concerning time, place and sign-up are available in the SBA Used Bookstore. Both golf and softball are open to husbands and wives of students.

Summer School Plans And Courses Are Announced

by Kay Silverman

Professor Paul Scheerer, Summer School Director, has announced that Mitchell's second summer session will be held for an eight-week period commencing June 10. Courses to be offered are: Administrative Law; Criminal Law Seminar; Debtors' and Creditors' Rights; Employment Discrimination Seminar; Family Law; Independent Research; Jurisprudence; Juvenile Law Seminar; Legal Accounting; Professional Responsibility; Real Estate Seminar; School Law; Securities Regulation; Taxation of Trusts and Estates and Women and the Law.

All of the courses are two credits and will meet two nights a week for two hours each night. A maximum of two courses may be taken. Scheerer said that a schedule will soon be available.

Registration was the week of May 6 through 10. No late registration will be permitted. Tuition will be $100 per course, payable upon registration. A refund of 50% will be given for withdrawals prior to June 10, but no refund will be allowed thereafter.

Students entering the second year may choose from the Legal Accounting, Taxation of Trusts and Estates, Women and the Law, Independent Research, Family Law and Jurisprudence courses.

There are nearly double the number of courses being offered this year compared to last year, which was the first time Mitchell had a summer session. This will enable more students to attend summer school and yet keep student-per-class ratios at a manageable level. There are two new courses, Women and the Law and Employment Discrimination, which are being offered for the first time. Students interested should sign early since some classes may have limited enrollments and some classes may be cancelled if an insufficient number register.

Twin Cities Chapter To Host Nat'l. Lawyers Guild Convention

by Greg Gaut

Although just over a year old, the Twin Cities Chapter has been chosen to host the 34th convention of the **National Lawyers Guild.** The convention will take place on August 8 thru 11 at the University of Minnesota, and is expected to draw 1500 lawyers, law students and legal workers from around the country.

In addition to deciding basic policy questions and selecting national officers, the convention serves as a massive forum for sharing legal skills and experiences. Over 50 workshops are being planned, reflecting nearly every area in which Guild people work.

Among the major workshops will be: labor law and organizing, military law and the G.I. movement, immigration law, electronic surveillance, prison law, Peoples Law Schools, jury selection for criminal trials and mental commitment law. Other meetings will focus on the problems and needs of specific constituencies within the Guild, such as law students, legal workers, women and legal services attorneys. There will also be workshops dealing with organizational questions such as fund raising, local newsletters and law school organizing.

Although the agenda is being worked out on a national level, the Twin Cities chapter has responsibility for all the logistical arrangements. Contracts are now being negotiated with the University for Northrop Auditorium and dormitory space for the participants. Most of the meals during the convention will be supplied by the University food service. These arrangements are being made by a logistics committee headed by Linda Gallant, a first year Mitchell student.

A second committee is making arrangements for a huge picnic to be held probably at Como Park, and a dance somewhere around the University. Mitchell students Jim Crow, Davideen Manosky, Charlie Diemer and Bob Dalager work on that committee. Another committee is planning for child care of an expected 50 children of all ages.

A final committee, coordinated by second year student Dave Cohoes, is preparing a booklet for the convention-goers which will give both practical survival information (restaurants, bus transportation, medical etc.) and a political/historical background on the Twin Cities area.

The National Lawyers Guild is an association of over 4,000 lawyers, legal workers and law students dedicated to the need for basic change in the structure of our political and economic system. The local chapter is one of 52 nation-wide.

FOUNDERS

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Minikahda Club, he was chosen president of the local bar association in 1932.

W. H. Cherry was also a prominent Minneapolis attorney. He studied at McGill University in Montreal and Columbia Law School, and for a number of years taught law at the University of Minnesota.

The two other founders were judges. Judge Molyneaux studied law at the University of Cincinnati. In 1913 he became a Minnesota district judge, and in 1925 he was appointed to the federal bench. Judge

Molyneaux

Fish was a self-taught lawyer in the Lincolnian tradition, but service as Minneapolis city attorney, probate judge, counsel for Minnesota Title Insurance Co., and Minnesota district judge gave him a wealth of experience. He also lectured at the University of Minnesota.

Rapid law school expansion in the teens and twenties was followed by a contraction in the thirties. As a result, the Northwestern College of Law and the Y.M.C.A. Law School ceased separate existence. Northwestern College of Law carried on a short time after the death in 1927 of its founder and Dean, George E. Young. William J. Wright, a Canadian-trained attorney, succeeded him. Then it merged, and the Y.M.C.A. law school did likewise. Finally, in 1940 the Minneapolis College of Law and the Minnesota College of Law merged. Judge Selover, dean of the latter, became president while **Andrew N. Johnson**, dean of the former, continued as dean of the consolidated institution.

The union left the College strengthened, but even in 1948, enrollment was only 133. In the thirties fees had been modest—$100 a year. After a jump in enrollment after the Korean conflict, student numbers again declined. This set the stage for the 1956 merger with St. Paul College of Law to form **William Mitchell College of Law**. A transition period then ensued, during which William Mitchell operated in two divisions—one in Minneapolis and one in St. Paul—until the present college building, designed by Ellerbe and Co., was completed in 1958. The two divisions operated out of their old quarters until then.

There are many ways to judge a law school. Community service is one criterion. Service is the raison d'etre of all professions and the service of Justice is a noble and ennobling ideal to which lawyers have constantly aspired, if not always attained. It is interesting to note that of the nineteen district judges for Hennepin county in 1971, eight were graduates of William Mitchell's Minneapolis predecessors. Dean Patterson wanted his law schools to "emphasise the practical side of the law." One suspects he would be pleased with the result decades later.

CONSTITUTION

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was subsequently deemed invalid by the SBA Board because of the sloppiness of its execution.

At the next regular meeting of the SBA, it was decided that the provisions of the old constitution must be followed and a school meeting held after proper announcement. The board in effect decided that adherence to the letter of the requirement of the provision must be adhered to.

On Monday evening that meeting was called to order. Argument on the constitution was then heard until approximately 6:10 p.m. when, on motion, a vote was called to adopt the new constitution as proposed.

The result: 18 for, 3 against, and the students finally have a new Constitution.

SBA Board Donates $200

In response to the continuing drought in Africa, the SBA Board of Governors voted to send, on behalf of the students of William Mitchell, two hundred dollars to aid the millions who are on the verge of death because of the endless drought.

In a unanimous vote the Board issued a statement expressing grave concern for the populations of Ethiopia, and the six arid Sahel nations (Mali, Mauritania, Senegal Upper Volta, Niger and Chad).

After six years of light rainfall nearly one third of the area's 51 million people are threatened with starvation. Last year in Ethiopia alone, 100,000 died of starvation in only two provinces.

The donation, which amounts to about twenty-five cents per Mitchell student, will be sent to United Nation's Food and Agricultural Organization. In 1973, that organization mobilized 471,000 tons of grain and 130 million dollars to keep most of the victims alive.

GEARIN

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ulty evaulation programs, curriculum, and placement service. These positive contacts with students from other schools will help Mitchell graduates when they meet them in the future as lawyers.

2. LSD conferences and publications provide a forum for student bar associations to exchange ideas and information. For example, at the Des Moines conference, the Mitchell students attending found out that students at other schools in our area have set up student bookstores and that the prices charged at these stores are significantly lower than here. A law school in Oklahoma that is just setting up a clinical program was interested in our use of student directors at Mitchell.

3. LSD sponsored conferences give students a chance to not only exchange ideas with students, but also, to hear some excellent speakers on various aspects of the law. I would like to see more Mitchell students attend them. Often law school gets to be a tedious grind and they provide an intellectual change of pace that can re-charge a student.

I am running for this office because I think that I can effectively communicate the concerns of Mitchell students to the LSD-ABA and am willing to contribute time to the SBA.

Notice To PAD Members

The Pierce Butler Chapter of Phi Alpha Delta Law Fraternity (PAD) is updating its membership records. All PAD members are being asked to contact any of the following PAD officers regarding their current addresses and phone numbers:

Monte M. Miller, 2159 Grand Ave., St. Paul, MN. 55105 (966-2176).

Cara Lee Neville, 2480 Highway 100, Apt. 131, St. Louis Park MN. 55416 (922-7626).

Michael P. Wagner, 1897 St. Clair Ave., St. Paul, MN. (699-9789).

The membership information is needed by PAD's national office. It will also assure PAD members of being notified of fraternity events over the summer.

The Student Bar Association of William Mitchell College of Law 2100 Summit Ave. St. Paul, Minn. 55105

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Don Horton, 1973-74 SBA President, hands the gavel over to newly elected president Cara Lee Neville. Story on page one.